

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIANE RECZEK,)	
)	
Plaintiff,)	
)	C.A. No. 07-00013-GMS
v.)	
)	
TILTON TERRACE OF DELAWARE,)	
L.L.C. d/b/a TILTON TERRACE; and,)	
JHA WILMINGTON, INC.,)	
)	
Defendants.)	

ANSWER AND AFFIRMATIVE DEFENSES OF JHA WILMINGTON, INC.

Comes now Defendant JHA Wilmington, Inc. (hereinafter "JHA"), by and through its undersigned counsel, and for its answer and affirmative defenses to the Complaint states as follows:

1. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

2. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

JURISDICTION AND VENUE

3. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

4. This paragraph states legal conclusions to which no response is required.

5. This paragraph states legal conclusions to which no response is required.

6. The first sentence of this paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied. The second and third sentences are admitted. JHA is without sufficient knowledge to form a belief as to the

truth of the allegations in the the fourth sentence of this paragraph and it is therefore denied.

PARTIES

7. JHA lacks sufficient information to form a belief as to the truth of the allegations in this paragraph and it is therefore denied.

8. This paragraph asserts allegations against a party other than JHA and therefore no response is required. To the extent a response is necessary, upon information and belief it is denied that Tilton Terrace of Delaware, LLC is a Delaware corporation, but admitted that Tilton Terrace of Delaware, LLC maintains a registered agent at the address indicated in the Complaint. It is further denied that Tilton Terrace of Delaware, LLC does business under the name Tilton Terrace.

9. Admitted.

10. Denied as stated. The allegations of this paragraph are too vague to be susceptible to response.

11. This paragraph state a legal conclusion to which no response is required. To the extent a response is necessary, denied.

BACKGROUND

12. Denied as stated. By way of further response, JHA admits only that Plaintiff was employed by JHA as an LPN-Unit Manager from December 28, 2004 to September 28, 2005. The remaining allegations are denied.

13. The first sentence of this paragraph is denied. The second sentence is denied as stated. By way of further response, JHA admits only that at the time Plaintiff

resigned her employment, she was being paid at a rate of \$28.75 per hour, plus certain benefits.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied as stated. By way of further response, JHA admits only that Plaintiff filed a charge of discrimination with the Delaware Department of Labor and the Equal Employment Opportunity Commission.

20. JHA lacks sufficient information to form a belief as to the truth of the allegations in this paragraph and it is therefore denied.

COUNT I
(Title VII)

21. JHA repeats and reincorporates its responses to paragraphs 1-20 above as if fully set forth herein.

22. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

23. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

24. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

COUNT II
(19 Delaware Code, Chapter 7)

25. JHA repeats and reincorporates its responses to paragraphs 1-24 above as if fully set forth herein.

26. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

27. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

28. This paragraph states legal conclusions to which no response is required. To the extent a response is necessary, denied.

PRAYER FOR RELIEF

29. JHA repeats and reincorporates its responses to paragraphs 1-28 above as if fully set forth herein.

AFFIRMATIVE DEFENSES

1. Plaintiff's complaint fails to state a claim upon which relief may be granted.
2. Plaintiff's complaint fails to establish a prima facie case of discrimination.
3. Plaintiff voluntarily left her employment.
4. Plaintiff failed to avail herself of internal grievance procedures and failed to make JHA management aware of any alleged discrimination.

WHEREFORE, JHA respectfully requests that the Court dismiss Plaintiff's claims against JHA and award JHA its costs incurred in defending this action.

CROSS & SIMON, LLC

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*Counsel for JHA Wilmington, Inc.
d/b/a Tilton Terrace*

Dated: February 13, 2007

CERTIFICATE OF SERVICE

I, Erica N. Finnegan, certify this 13th day of February, 2007, that I caused the attached Answer and Affirmative Defenses of JHA Wilmington, Inc. to be electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to counsel of record. I further certify that a copy of the foregoing documents were served on the following counsel in the manner indicated:

By Hand Delivery

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